

InterOffice Memo

To: Marti Kie
cc: Dick Daniel, Bellory Fong
From: Terry J. Mills
Subject: MSCS/ERP Conservation Measures

Date: May 20, 1999

This is a response to your inquiry as to whether or not some additional MSCS conservation measures should be included in the next version of the Ecosystem Restoration Program Plan. Some of the proposed additional measures can be accommodated by the final version, but some are covered by existing targets and programmatic actions. Some proposed actions will increase the cost but insufficient information is available to determine the magnitude. Generally, any additional costs are probably not of great concern.

"R" Goal Species

Suisun Song Sparrow

Conservation Measure: Acquire conservation easements to adjust grazing regimes to enhance wetland to upland transition habitat conditions.

Response: This measure is covered by existing measures, but does provide additional specificity. It is not new and is part of our "whole marsh management" concept. There would be no additional programmatic cost in implementing this measure.

Longfin Smelt

Conservation Measure: To the extent consistent with Program objectives, mobilize organic carbon in the Yolo Bypass to improve food supplies by ensuring flow through the bypass at least every other year.

Response: This conservation measure is covered by existing ERP actions, but does provide additional specificity. It is proposed for inclusion in the Stage 1a bundle actions (See bundle #20) and is a key element in our vision for the Yolo Bypass and other bypasses. There would be no additional cost associated with this measure.

Winter-run Chinook Salmon

Conservation Measure: Review existing biological opinions to identify and implement beneficial measures for management of the species that are in addition to proposed actions and consistent with achieving Program objectives.

Response: This measure is not a good idea in its present form. There are several other examples of identical additional conservation measures for other species. The general response for all is that the Conservation Measure is devoid of fact and lacks detail. CALFED does not have responsibility to review existing endangered species biological opinions to determine if the proposed, recommended, or required measures have been implemented. That responsibility lies with the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Game. Review. Assessment by the respective agencies would probably identify measures that have not be implemented, but the level of specificity for those measures may be inappropriate (too specific) for a programmatic environmental document.

The agencies could be encouraged to conduct the review and provide measures suitable for inclusion of the ERP. Thus far, the agencies have not identified unmet needs within existing biological opinions that could be included in the ERP.

There is an unanswered legal issue associated with this measure. Regulatory agencies issue biological opinions to specific parties to protect listed species. It seems odd that CALFED has been targeted with the onerous responsibility of assumption of other party debts and to implement unmet conservation measures. This also implies that CALFED will have responsibility to implement all future conservation measures and, in effect, become the sole mechanism for implementing ESA conservation measures.

It is not possible to assess whether additional measures will be identified that should be included in the next version of the ERP. There could be additional cost associated with those potential measures.

Conservation Measure: Implement beneficial measures for management of the species that have been identified in DEFT reports that are applicable to Program actions and achieving CALFED objectives.

Response: These should rephrased in light of the *Revised Phase II Report* and its discussion of the Environmental Water Account (EWA). In general the Environmental Water account is based on the notion that flexible management of water operations could achieve fishery and ecosystem benefits more efficiently than a completely prescriptive approach. The account will be funded each year with dollars, water, and rights to storage and conveyance. These assets are used to modify export pumping to avoid times more critical for fish species and move more water at times less critical to fish.

Implementation of EWA is critical to flow recommendations in the ERP, but probably does not constitute additional action. The EWA is funded separately from the ERP, so there should be little additional cost.

Central Valley Fall-run Chinook Salmon

Conservation Measure: Implement measures identified in CVPIA, CVAP and DEFT reports that are applicable to Program actions and achieving CALFED objectives.

Response: (See response under winter-run chinook salmon) Additionally, the ERP used the CVPIA and CVAP as a foundation for its prescriptions for anadromous species.

Central Valley Spring-run Chinook Salmon

Conservation Measure: Implement management measures recommended by DFG (CDFG 1998) and identified in DEFT, CVPIA, and CVAP reports that are applicable to Program actions and achieving CALFED objectives.

Response: Many of the measure in the DFG spring-run report were included in the ERP as well as CVPIA and CVAP reports. (Refer to winter-run response for DEFT/EWA).

Conservation Measure: Review existing biological opinions to identify and implement beneficial measures for management of the species that are in addition to proposed actions and consistent with achieving Program objectives.

Response: (See response under winter-run chinook salmon)

Sacramento Splittail

Conservation Measure: To the extent consistent with Program objectives, reduce the loss of freshwater and low-salinity splittail habitat in the Bay-Delta from reductions in Delta inflow and outflow.

Response: A key attribute of the ERP is the identification of numerous targets and programmatic actions to protect, enhance and restore freshwater and low-salinity habitat in the Bay-Delta system including seasonal use of bypasses such as the Yolo Bypass for splittail spawning and rearing. These are included in the ERP and no additional cost is associated with the conservation measures.

Reductions in Delta inflow and outflow is better addressed by ERP flow recommendation and EWA.

Conservation Measure: Review existing biological opinions to identify and implement beneficial measures for management of the species that are in addition to proposed actions and consistent with achieving Program objectives.

Response: (See response under winter-run chinook salmon)

Lange's Metalmark and Antioch Dunes Evening-Primrose

Conservation Measure: Implement actions that are identified in the Lange's metalmark butterfly recovery plan (USFWS 1984), but have not yet been implemented.

Response: The ERP prescriptions for Lange's metalmark and Antioch Dunes Evening-Primrose

were developed prior to the MSCS recommendation of Recovery. Without reviewing the recovery plan, it is not known what additional actions, if any, are required. If there are additional actions, they would be reviewed and, if appropriate, included in the ERP. The USFWS should provide the review and identify programmatic actions not covered in the ERP. Again the caveat is to keep the recommendations at the programmatic levels and to avoid site specific prescriptions.

There may be a cost associated with these actions.

"r" Goal Species

Riparian Brush Rabbit

Conservation Measure: Develop and implement an emergency plan and monitoring system to provide swift action to save individuals and habitat at Caswell Memorial State Park in the event of flooding, wildfire, or a disease epidemic.

Response: Good action. It should be included in the next iteration of the ERP. There will be a cost to develop a plan and a cost of develop and implement a monitoring program, but it is not possible to assess the dollar amount at this time.

Swainson' Hawk

Conservation Measure: To the extent consistent with Program objectives, protect known active nest trees and nesting areas from loss and disturbance that may be associated with implementation of actions or from potential future changes in land use or other activities that could result in the loss or degradation of habitat.

Response: This measure is fully covered in the ERP. The ERP contain recommendations to protect, improve and restore riparian and riverine aquatic habitats and Swainson's hawk is identified as one of the species to benefit from these actions. In addition, the ERP recommends cooperatively managing 40,000 to 75,000 acres of agricultural land in the Delta to improve wildlife values including foraging for Swainson's hawk.

An additional programmatic action could be included in the ERP to specifically include this conservation measure. There would be little or no additional cost for this action.

Northern California Black Walnut

Conservation Measure: Protect, manage, and maintain existing stands.

Response: Black walnut is not identified or treated in the ERP other than in the section addressing invasive riparian plants where it is identified as a stressor. We have received no factual recommendations to include this species, no targets, and no programmatic actions. It probably should be included in the ERP. It may require additional cost depending on the size

and location of any existing stands that require protection. If these stands are in the Sacramento River Conservation Zone (SB1086) there may be no additional cost.

Point Reyes Bird's Beak

Conservation Measure: Maintain, enhance and restore Point Reyes bird's-beak habitat around San Pablo Bay.

Response: This species is not described in the ERP. Depending on habitat location, existing recommendations in the ERP may already cover the needs of this species. The agencies need to provide locality or type description of necessary habitat to see if it is overlaid by existing ERP targets. It is not known if additional costs would be associated with inclusion of the species.

Crampton's Tuctoria

Conservation Measure: Establish three new self-sustaining populations in conjunction with establishment of Delta green ground beetle populations.

Response: Habitat recommendation in the Sacramento-San Joaquin Delta Ecological Management Zone are flexible and structured to fit the needs of multiple species. The vernal pool habitat target for the Delta may be sufficient to cover the needs of the beetle and the plant. No additional cost is associated with this measure.

Conservation Measure: Expand Jepson Prairie Preserve west to Travis Air Force Base boundary.

Response: Not included in the ERP as a target or programmatic action. This action would require additional costs.

Conservation Measure: Identify and implement opportunities for CALFED to support and facilitate protection of the Davis antenna site (with occurrences of Crampton's tuctoria, Colusa grass, vernal pool tadpole shrimp, and vernal pool fairy shrimp).

Response: Not included in the ERP. It should be included and would require developing a vernal pool habitat section with a target, programmatic actions and a rationale. There would be additional cost, but it would not be large.

Delta Coyote Thistle

Conservation Measure: Protect and manage the China Island population of Delta coyote thistle.

Response: Not included in the ERP. It should be included and would require a description of required habitat to determine if any existing targets or programmatic actions include habitat needed for the species. There would be additional cost, but it would not be large.